

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

BLACKSTONE INTERNATIONAL, LTD.,
a Maryland corporation,

Plaintiff,

v.

COSTCO WHOLESALE CORPORATION,
a Washington corporation,

Defendant.

Case No. 2:20-cv-000964-TSZ

**SECOND STIPULATED MOTION AND
[PROPOSED] ORDER REGARDING
DEADLINE FOR FILING ANSWER
AND/OR BRIEFING SCHEDULE ON
MOTION TO DISMISS**

STIPULATION

1. On December 5, 2022, Defendant Costco Wholesale Corporation (“Costco”) filed a Motion to Dismiss Counts 7, 8, 9, 10, 11 & 12 (the “Partial Dismissal Motion”). Dkt. # 38.

2. Pursuant to FRCP 15(a)(1)(B) and a previous stipulated order of the parties, in lieu of responding to Costco’s Partial Dismissal Motion, such motion was stricken as moot and Plaintiff Blackstone International, Ltd. (“Blackstone”) filed a Second Amended Complaint on February 13, 2023. Dkt. ## 39, 40, & 43.

3. The stipulated deadline for Costco to file its response to the Second Amended Complaint was calendared for March 10, 2023.

4. Costco believes this Court’s decision on the motion to dismiss filed by Defendants in the action styled as *Blackstone International, Ltd. v. E2 Limited, et al.* (Case No. 2:20-CV-001686-TSZ) (the “E2 Dismissal Motion”), which is pending before this Court, will inform the

1 nature of Costco's response to Blackstone's Second Amended Complaint in the above-entitled
 2 action. *Blackstone International, Ltd. v. E2 Limited, et al.*, Dkt. ## 98, 105 – 108.

3 5. This Court has yet to rule on the E2 Dismissal Motion.

4 6. In order to allow for more time for the Court to render its decision on the E2
 5 Dismissal Motion, the parties have met and conferred and hereby stipulate and agree that the new
 6 deadline for Costco to file its response to the Second Amended Complaint shall be April 7, 2023.

7 7. The parties have also met and conferred regarding an agreed briefing schedule in
 8 the event that Costco files a new motion to dismiss (rather than an answer to) the Second Amended
 9 Complaint. If Costco files a new motion to dismiss, then Blackstone will file its opposition papers
 10 on April 28, 2023. Costco will file its reply papers on May 12, 2023, and Costco's new motion to
 11 dismiss shall be noted for May 12, 2023.

12 8. In addition, to the extent Costco's new motion to dismiss requests dismissal of some,
 13 but not all, of the claims in the Second Amended Complaint (i.e., a partial motion to dismiss), the
 14 parties also agree that Costco does not need to file a partial answer regarding the claims on which
 15 Costco does not request dismissal until after the Court rules on Costco's new motion to dismiss.

16 9. Accordingly, pursuant to the parties' stipulation, and subject to the Court's approval,
 17 the parties specifically agree as follows:

18 a. The deadline for Costco to file its response to the Second Amended Complaint shall
 19 be April 7, 2023.

20 b. If Costco files a new motion to dismiss, then the deadline for Blackstone to file its
 21 opposition papers shall be May 5, 2023, the deadline for Costco to file its reply
 22 papers shall be May 19, 2023, and Costco's new motion to dismiss shall be noted
 23 for May 19, 2023.

24 c. If Costco's new motion to dismiss requests dismissal of some, but not all, of the
 25 claims in the Second Amended Complaint, then Costco does not need to file a partial
 26 answer regarding the claims on which Costco does not request dismissal until after
 27 the Court rules on Costco's new motion to dismiss.
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1 SO STIPULATED this March 10, 2023

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ORDER

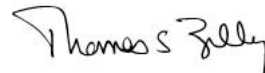
Pursuant to the above Stipulated Motion, IT IS SO ORDERED.

The deadline for Costco to file its response to the Second Amended Complaint shall be April 7, 2023.

If Costco files a new motion to dismiss, then the deadline for Blackstone to file its opposition papers shall be May 5, 2023, the deadline for Costco to file its reply papers shall be May 19, 2023, and Costco's new motion to dismiss shall be noted for May 19, 2023.

If Costco's new motion to dismiss requests dismissal of some, but not all, of the claims in the Second Amended Complaint, then Costco does not need to file a partial answer regarding the claims on which Costco does not request dismissal until after the Court rules on Costco's new motion to dismiss.

DATED this 13th day of March, 2023.



Hon. Thomas S. Zilly
United States District Judge